

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FREDERICK NOBLE,)
)
Plaintiff(s),)
)
v.) Case No. 4:22-cv-00076-PLC
)
PAT MELSON,)
)
Defendant(s).)

Memorandum and Order

This matter is before the Court upon review of the file. Plaintiff Frederick Noble initiated this action on January 20, 2022, by filing an employment-discrimination complaint against an individual named Pat Melson. Noble prepared the complaint using a Court-provided form and indicated that he based his suit on alleged violations of the Americans with Disabilities Act of 1990. The Court also granted Noble leave to proceed in forma pauperis.

On initial review pursuant to 28 U.S.C. § 1915(e)(2), the Court determined Noble's complaint was subject to dismissal because it failed to state a claim against Melson. Doc. 5. The Court's order gave Noble the opportunity to file an amended complaint to cure the defects identified by the Court. In its order, the Court explained why the complaint was subject to dismissal, gave Noble instructions about how to prepare an amended complaint, and cautioned Noble that if he failed to comply with the Court's order, the Court would dismiss this case without prejudice and without further notice.

The Court ordered Noble to file an amended complaint no later than March 21, 2022. To date, however, he has neither filed an amended complaint, nor sought additional time to do so. The Court gave Noble notice of its expectations, cautioned Noble that the Court would dismiss

his case if he failed to timely comply with its order, and gave Noble time to comply. Therefore, the Court dismisses this case without prejudice due to Noble's failure to comply with the Court's February 18, 2022, order, and his failure to prosecute this case. *See Fed. R. Civ. P. 41(b); see also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) ("A district court has the power under Fed. R. Civ. P. 41(b) to dismiss an action for the plaintiff's failure to comply with any court order . . ."); *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal of pro se litigant's complaint under Fed. R. Civ. P. 41(b) for failure to file an amended complaint).

Accordingly, the Court dismisses this case without prejudice and certifies that an appeal from this dismissal would not be taken in good faith. A separate order of dismissal accompanies this order.

So Ordered this 6th day of April 2022.


STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE